

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, AUGUST 6, 2002  
AT 9:00 A.M.  
IN THE CHARLES DAIL CONCOURSE  
PLAZA HALL  
202 "C" STREET  
SAN DIEGO, CA 92101

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 10:05 a.m. The meeting was recessed by Mayor Murphy at 12:02 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:09 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:00 p.m. for purposes of a break. Mayor Murphy reconvened the meeting at 4:13 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 5:54 p.m. to convene the Redevelopment Agency and thereafter a break. Mayor Murphy reconvened the meeting at 5:57 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:30 p.m.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Abdelnour (pr/er)

FILE LOCATION:                      MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

**PUBLIC COMMENT-1: REFERRED TO THE CITY MANAGER**

Comment by Don Stillwell regarding accounting, and bonds issued by the City Council.

The City Manager stated that he would send a memo to Mr. Stillwell, the Mayor, and the City Council addressing duplicity and bond issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A015-043; A044-049.)

**PUBLIC COMMENT-2:**

Comment by Nick Moffit regarding safety issues in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A050-120.)

**PUBLIC COMMENT-3:**

Comment by Steve McWilliams regarding medical cannabis and the medical use of marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A125-138.)

**PUBLIC COMMENT-4:**

Comment by Greg Paquette regarding a Resolution passed yesterday in Council concerning the use of L. S. V.'s.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A145-156.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Comment by Council Member Inzunza wishing Council Member Atkins a Happy Birthday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A156-168.)

**CITY ATTORNEY COMMENT:**

None.

**CITY MANAGER COMMENT:**

None.

**ITEM-330: Inclusionary Housing.**

(See Housing Commission Reports HCR-02-002/CMR-02-175; HCR-02-028, memorandum from Councilmember Atkins dated 4/17/2002; memorandum from Councilmember Wear dated 4/16/2002; letter from Craig Benedetto dated 4/15/2002; and San Diego Association of Realtors' proposal.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-148) ADOPTED AS AMENDED AS RESOLUTION R-296981

Authorizing the San Diego Housing Commission and the City of San Diego Planning Department to proceed with the preparation of an Inclusionary Housing Ordinance and supporting implementing documents.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 4/17/02, LU&H voted 5-0 to approve staff's recommendations with the following changes: Threshold at 10 units, in-lieu fee year 1 at \$1/square foot (s.f.), year 2 at \$1.75/s.f., year 3 at \$2.50/s.f., and for projects with less than 10 units fee is set at 50 percent of rate for projects above threshold. Also, direction to staff to investigate ways to enhance the Housing Trust Fund. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

**NOTE:** See the Redevelopment Agency Agenda of Tuesday, August 6, 2002 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A241-C340; D015-G524; H545-I435.)

MOTION BY INZUNZA TO ADOPT AND ACCEPT THE LAND USE AND HOUSING PROPOSAL IN ITS ENTIRETY WITH THE FOLLOWING ADDITIONS AND HIGHLIGHTS: THE NORTH COUNTY FUA WILL REMAIN AT 20% AT AN AVERAGE OF 65% AMI AND OTHER MASTER PLAN COMMUNITIES, LARGE SCALE DEVELOPMENTS, WILL BE AT 10% AND NOT HIGHER.

DIRECT THE LEGISLATIVE AFFAIRS OFFICE TO ACTIVELY PARTICIPATE IN DISCUSSING AND SEEKING CONSTRUCTION DEFECT LITIGATION.

PROVIDE MANDATORY PROCESSING DEADLINES FOR THE ENTIRE PROJECT IF THE DEVELOPER AGREES TO BUILD INCLUSIONARY UNITS.

AT THE TIME THE APPLICATION IS DEEMED COMPLETE, HAVE IN-LIEU FEES SPECIFIED.

THE INCLUSIONARY HOUSING POLICY SHALL GO INTO EFFECT WHEN THE CITY COUNCIL ADOPTS THE ORDINANCE. THE PREPARATION OF THE COMPREHENSIVE HOUSING POLICY SHALL NOT DELAY IMPLEMENTATION OF AN INCLUSIONARY HOUSING POLICY, RATHER COMPLEMENT THE EFFORT AND SHALL BE DEVELOPED IN A PARALLEL MANNER.

IF A DEVELOPER IS WILLING TO DEVELOP PROPERTIES OR DEVELOP A PIECE OF LAND THAT WOULD TARGET 150 PERCENT MEDIUM INCOME, WITH TWO OR MORE UNITS WITH A MINIMUM OF TWO BEDROOMS, THE INCLUSIONARY HOUSING PROPOSAL FOR THOSE SITES WOULD BE WAIVED. THIS WILL HELP FAMILIES OF FOUR WITH AN INCOME OF BETWEEN \$65,000 AND \$85,000.

AS DIRECTED BY COUNCIL MEMBER WEAR, REFER THE ISSUE OF MAKING SURE THAT HOUSING IS CONSTRUCTED WHICH MEETS THE AMERICANS WITH DISABILITIES ACT TO LU&H COMMITTEE. DIRECT THE CITY MANAGER TO EVALUATE ENERGY EFFICIENT DEVELOPMENTS. CONTINUE TO WORK ON A PROCESS IN WHICH LARGE PROJECTS ARE NOT OVER BURDENED WHICH MAY CAUSE THOSE LARGE PROJECTS NOT TO BE BUILT AND IN TURN WOULD CAUSE THE DEPLETION OF FUNDS. ENSURE THAT THE REDEVELOPMENT AGENCY CAN WAIVE THE REQUIREMENTS AND

STAFF SHALL DETERMINE WHAT THOSE GUIDELINES WILL BE AND REPORT BACK TO COUNCIL.

AS REQUESTED BY COUNCIL MEMBER PETERS, DIRECT THE CITY MANAGER TO FOCUS MORE ON TRANSIT AND LESS ON PARKING. WORK TOWARDS PROVIDING A TRANSIT SYSTEM THAT PEOPLE CAN RELY ON THEREBY MAKING HOUSING MORE ATTAINABLE FOR EVERYONE.

Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

ITEM-331: Declaring a State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

(See Memorandum from Councilmembers Atkins and Inzunza dated 4/17/2002; Memorandum from Councilmember Inzunza dated 12/20/2001; Memorandum from Councilmember Atkins dated 12/12/2001; Memorandum from Councilmember Atkins dated 11/5/2001; and News Article.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-202 Cor. Copy) ADOPTED AS RESOLUTION R-296982

Declaring a State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 4/17/2002, LU&H voted 5 to 0 to recommend the City Council declare a Housing State of Emergency as described in the memorandum from Councilmember Atkins dated November 5, 2001 to Mayor Murphy and to add an eight point requiring an infrastructure analysis as part of the review for housing. (Councilmembers Peters, Wear, Stevens, Maienschein, and Frye voted yea.)

FILE LOCATION: GEN'L-State of Emergency Due to Severe Shortage of  
Affordable Housing in the City of San Diego

COUNCIL ACTION: (Tape location: A241-C340; D015-G524; G570-H125.)

MOTION BY ATKINS TO ADOPT WITH DIRECTIONS TO THE CITY MANAGER  
TO EVALUATE THE IDEA OF A TASK FORCE AND TO GENERATE A  
PROPOSAL FOR COUNCIL'S CONSIDERATION IN 60 DAYS WITH THE  
STIPULATION THAT IT DOES NOT IMPEDE ANY OF THE ACTIONS TAKEN  
TODAY WITH RESPECT TO INCLUSIONARY HOUSING AND BONDING. Second  
by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea,  
Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Comprehensive Affordable Housing Strategy.

(See City Manager Report CMR-02-164/RA-02-17/HAR-02-008; Housing  
Commission Report HCR-02-030; and Mel Shapiro's Statement.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-205) ADOPTED AS RESOLUTION R-296983

Agreeing in concept with the Comprehensive Affordable Housing Strategy and  
directing the establishment of priorities, the preparation of a Notice of Funding  
Availability, the formulation of appropriate financing, and the establishment of  
implementation procedures.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

Reviewed by LU&H on 4/17/02. Information report only. No action taken.

**NOTE:** See the Redevelopment Agency Agenda of August 6, 2002 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A241-C340; D015-G524; H365-530.)



MOTION BY ATKINS TO ADOPT WITH DIRECTION FROM MAYOR MURPHY THAT STAFF INVESTIGATE FURTHER THE CONCERNS RAISED REGARDING THE USE OF REDEVELOPMENT FUNDS OUTSIDE OF THE REDEVELOPMENT AREA AND THAT BONDING HOUSING FUNDS MAY RESULT IN FEWER AFFORDABLE HOUSING DOLLARS OVERALL. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S501: Affordable/Infill Housing Expedite Program.

(See City Manager Reports CMR-02-181 and CMR-02-085; memorandum from S. Gail Goldberg and Elizabeth C. Morris dated 4/16/2002; memorandum from Kelly Broughton dated 4/16/2002; Pipeline Residential Projects.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-207) ADOPTED AS RESOLUTION R-296984

Approving the addition of a limited, unclassified Program Manager position to the Development Services Department to establish the affordable/infill housing expedite program, set up the staff team, and bring forward a fee plan in the fall to support the program;

Directing the City Manager to:

1. Prepare revisions to the San Diego Municipal Code to improve the timeliness and predictability of the development review process and carry those changes through the normal public review process, including review and recommendation by public interest groups, the Community Planners Committee, and Planning Commission prior to City Council consideration;
2. Implement procedural changes for an affordable/in-fill housing expedite program consisting of set review turnaround times along with approval of the revised San Diego Municipal Code regulations;

3. Appropriately staff the program, together with the changes to the San Diego Municipal Code by returning to the City Council in the fall with a fee plan to support the additional expedited service.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 4/17/2002, LU&H voted 3 to 2 to approve the City Manager's recommendations. (Councilmembers Peters, Wear, and Maienschein voted yea. Deputy Mayor Stevens and Councilmember Frye voted nay.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A241-C340; D015-G524; H130-344.)

MOTION BY INZUNZA TO ADOPT WITH DIRECTION BY MAYOR MURPHY TO ENSURE THAT THE PLANNING GROUPS ARE GIVEN AN OPPORTUNITY TO REVIEW AND DISCUSS THE CHANGES. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 6:30 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: I436).